

## **APPLICATION INSTRUCTIONS TO FILE A VESTED RIGHT CLAIM**

If you need assistance with your application, please contact Eric Gronlund at (605) 773-3352 or stop by our office in the lower level of the Foss Building, 523 E Capitol, Pierre SD. Please don't hesitate to ask for help! Additional step by step guidance, along with sample completed applications, is available on the Water Rights Program WEB site at [www.state.sd.us/denr](http://www.state.sd.us/denr).

A completed application for a vested right claim must include the following information.

1. TWO COMPLETED COPIES OF FORM 2, Application to Appropriate Water.
2. A map, no smaller than 8"x11", showing:
  - a) The location of the diversion point (place where water is to be taken from) in relation to a government section corner or quarter corner by direction and distance.
  - b) If diversion is from a reservoir, the location of the high water line and lands under water, with the names of the owner's (if other than the applicant) and the capacity of the reservoir at a maximum pool elevation.
  - c) If diversion is from a stream, the location and name of the stream.
  - d) The map must be signed by one of the following: registered land surveyor, registered professional engineer, or by any government employee (Natural Resources Conservation Service, Consolidated Farm Services Agency, etc.) who normally prepares maps as part of his assigned duties.
  - e) For irrigation vested right claims, lands being irrigated and names of the owners (if other than the applicant).
3. If diversion is from a well, dugout or storage dam, two completed copies of Form 2A must be submitted with Form 2. Also provide any supplemental plans or drawing for any storage reservoir.
4. ONE COMPLETED COPY OF FORM 2B, Affidavit of Water Use (Supplemental to Form 2). This form will be used to establish a priority date for the vested right claim.
5. South Dakota statutes require a filing fee of \$15.00 for each application to file a vested right claim.

Submit the forms, signed map, fees and any other information pertinent to the application to file a vested right claim to:

Water Rights Program, DENR  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181 Phone (605) 773-3352

6. Notice of an application must be published in one local county newspaper for two successive weeks with the second publication at least 20 days before the Water Management Board Meeting. The publication notice will be sent to the newspaper by the Water Rights Program.

THE COST OF PUBLICATION IS THE RESPONSIBILITY OF THE APPLICANT.

7. Upon satisfactory completion of the actions under items (1) through (6) and validation of the vested right claim by the Water Management Board, a water license will be issued. Issuance of a water license is the final action required to establish a vested water right.

**FORM 2: Application for uses other than irrigation**

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

**Application For Permit To Appropriate Water Within The State Of South Dakota****Check use(s) of water:**

Municipal	Suburban Housing	Recreational	Institutional
Rural Water System	Commercial	Fish & Wildlife	Geothermal Heat
Domestic (over 18 gpm)	Industrial	Other _____	

**Type of Application:** **New** **Vested Right** (Use predates Mar 2, 1955) **Future Use Reservation**  
**(check one)** **Place to Beneficial Use Water Reserved by Future Use Permit No.** \_\_\_\_\_  
**Amendment/Correction to Permit No.** \_\_\_\_\_

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 (check one) Owner Tenant/lessee  
 Mailing Address \_\_\_\_\_ State \_\_\_\_\_  
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed \_\_\_\_\_ \*CFS or \_\_\_\_\_ \*\*GPM \_\_\_\_\_ \*\*\*AF  
 (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply \_\_\_\_\_
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County \_\_\_\_\_
5. County or counties where water will be used \_\_\_\_\_
6. Annual period during which water is to be used \_\_\_\_\_
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

**STATE OF SOUTH DAKOTA)** SS  
 County of \_\_\_\_\_

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, \_\_\_\_\_, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

## Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

## Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) \_\_\_\_\_

Mailing Address \_\_\_\_\_  
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of Recording \_\_\_\_\_ Recording Date \_\_\_\_\_

B. Date of start of construction of water supply system \_\_\_\_\_

C. Date that water was first applied to beneficial use \_\_\_\_\_

D. Name of owner of original water supply system \_\_\_\_\_

E. Amount of water originally applied to beneficial use \_\_\_\_\_

F. Present use of water - amount of water now being used \_\_\_\_\_

Date that this water was first used \_\_\_\_\_

G. Chronological History of Water Use

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )  
SS

County of \_\_\_\_\_ )

I, \_\_\_\_\_ the applicant, certify that I have read the foregoing and that  
(print or type) the matters therein are true.

Signed \_\_\_\_\_

Subscribed and sworn to before me \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

\_\_\_\_\_, 20 \_\_\_\_\_  
(Print Name)

\_\_\_\_\_, 20 \_\_\_\_\_  
(Print Name)

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:
- On applicants property \_\_\_\_\_ On property owned by others \_\_\_\_\_

### 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_\_
- b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_
- c) Connected to the City of \_\_\_\_\_ Sanitary System

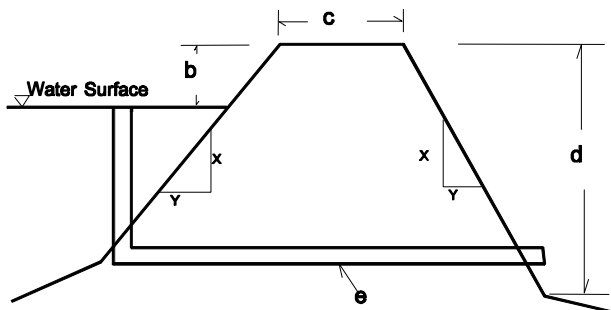
### 3. Dugout Information

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres